IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1012 of 2004 (M/B)

Smt. Chandra Prabha
D/o Rani Shiv Kumari,
R/o 19/E, Subash Road,
Dehradun, Uttaranchal. ……... Petitioner

Versus

State of Uttaranchal
Through Secretary (Finance),
Dehradun & others. ……..… Respondents

Mr. Atul Mehra, learned counsel for the petitioner.
Mr. K.P. Upadhyaya, learned Brief Holder on behalf of the state.
Ms. Tehmina Punwani, learned senior counsel assisted by Ms. Menka Tripathi, Advocate on behalf of respondents No. 2 & 3.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Irshad Hussain, J.

(Per Hon'ble the Chief Justice)

1. Heard Mr. Atul Mehra, learned counsel for the petitioner, Mr. K.P. Upahayaya, learned Brief Holder, who accepted the notices on behalf of respondents No. 1, 4 & 5 and Ms. Tehmina Punwani, learned senior counsel, who accepted the notices on behalf of respondents No. 2 & 3.

2. Section 281 of the U.P. Zamidari Abolition & Land Reforms Act clearly provides that there cannot be an arrest of a woman or a minor. Therefore, the petitioner's prayer that she should not be arrested is liable to be granted. As the recovery is under the U.P. Zamidari Abolition & Land Reforms Act, there will be no question of arrest of the petitioner. However, the rest of the proceedings regarding the recovery shall continue.

3. With these observations, the writ petition is disposed of.

(Irshad Hussain, J.) **(V.S. Sirpurkar, C.J.)**
14.10.2004 **14.10.2004**

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